



Louisiana SB/SCAP Newsletter

# small business / small community **ASSISTANCE** P R O G R A M

Second Quarter 2006 Volume 14, Number 2

## ABOUT SB/SCAP

The primary mission of the DEQ's non-regulatory Small Business & Small Community Assistance Program is to provide important environmental regulatory assistance to small businesses and to provide environmental regulatory information to small communities.

The SB/SCAP technical advisors listed below are experienced, highly knowledgeable, and committed to enhancing the relationships between DEQ and small businesses & communities.

## DIRECTORY

### CAPITAL REGIONAL OFFICE

Yanfu Zhao, PE: 225.219.3258  
Patrick Devillier: 225.219.3260

### NORTHWEST REGIONAL OFFICE

Larry Lashley, PE: 318.676.5088  
Ron Gray: 318.676.5089

### NORTHEAST REGIONAL OFFICE

Cynthia Clark: 318.362.5443

### SOUTHWEST REGIONAL OFFICE

Markle Farber: 337.491.2804  
Bobby Kingham: 337.491.2721

### SOUTHEAST REGIONAL OFFICE

Loni Gaudet: 985.624.4480  
Davina Simms: 985.624.4169

### ACADIANA REGIONAL OFFICE

Mike Savoy: 337.262.5591  
Ryan Brignac: 337.262.1566

### SMALL BUSINESS OMBUDSMAN

Nathan Levy: 225.219.3956

E-MAIL: [sbap@la.gov](mailto:sbap@la.gov)

TOLL FREE: 1.800.259.2890

WWW.DEQ.LOUISIANA.GOV

## Q&As for Construction Contractors

By Ronald E. Gray, Environmental Scientist, Northwest Regional Office

### Do I need a permit?

Yes, if land disturbance is five acres or more or part of a greater plan of development of five acres or more, then you need to submit a **Notice of Intent** for a storm water construction general permit (LAR100000). If land disturbance is one acre to less than five or part of a plan of development of one acre to less than five acres, then you are automatically covered under LAR200000. The NOI can be found at <http://www.deq.louisiana.gov/portal/Default.aspx?tabid=1837> or you can call 1-800-259-2890.

### Do I need to send money?

No, DEQ will send you a bill. There is no fee for the LAR200000 permit.

### What's in the permit?

There is a section (Part IV of LAR100000; Part III of LAR200000) in the permit that tells the contractor what needs to be in the Storm Water Pollution Prevention Plan, the reports that need to be kept, and the inspections that need to be done. The SWPPP outlines what the contractor plans to do and how he will manage the storm water runoff from the construction site. Any change from what is stated in the SWPPP will require modification of the SWPPP to reflect the change. The contractor must follow the SWPPP or it is considered a permit violation.

### What is a Storm Water Pollution Prevention Plan?

A SWPPP is a plan that outlines all the best management practices to reduce or control storm water runoff and pollutants from the construction site during the life of the permit. Any construction, residential or commercial, which meets the requirements under the applicability sec-

tion of the permit, must have a permit and a SWPPP. This applies even if you are building your own house on a lot in a subdivision or own a large piece of property. If you disturb one acre or more or are part of a plan of development of one acre or more, you must get a permit.

### Where do you keep the SWPPP?

The SWPPP needs to be available to contractors and regulators. Keeping a copy of the permit on site is a good idea.

### Do builders as well as developers need a permit?

The owner, general contractors, and each home builder if they have operational control over their part of the project, must submit a Notice of Intent.

### Where do I send the Notice of Intent?

NOIs go to:

Louisiana Department of Environmental Quality, Office of Environmental Services, P.O. Box 4313, Baton Rouge, LA, 70821-4313, Attn: Permits Division. Only the LAR100000 requires an NOI. The LAR200000 does not require an NOI. However, you do need to submit a Notice of Completion when the project is completed (<http://www.deq.louisiana.gov/portal/Default.aspx?tabid=1837>).

### When am I covered by the permit?

Permittees applying for coverage under LAR100000 are automatically covered 48 hours after the post mark date on the NOI submittal or hand delivery of the NOI to the Permits Section of DEQ in Baton Rouge. The SWPPP must be completed prior to submitting the NOI to have permit coverage.

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## Compliance Tip: HazCom Program Best Practice

[Excerpted from *Environmental Compliance, Louisiana Edition, Jan. 2006, Issue 290*]

The heart and soul of a hazardous communication program is employee training. According to Occupational Safety & Health Administration's HazCom rule, employers must provide employees with effective information and training concerning hazardous chemicals in their work areas at the time of the initial assignment and whenever a new hazard is introduced into the work area. Giving employees a Material Safety Data Sheet to read does not satisfy training requirements. Employees must be aware of the hazards to which they are exposed, and know how to obtain and use information on container labels and MSDSs. They must know and follow appropriate work practices.

Recognizing and explaining hazards isn't enough. For example, if the use of a certain chemical requires ventilation of the workplace, and the MSDS for the chemical is immediately available only via computer, any employee exposed to the chemical must know how to operate the computer and access MSDS files. The employee must also receive training on the procedures for ventilating the work area.

OSHA's requirements for employee information and training are flexible, allowing a company to design a program tailored to its needs and operations. But OSHA does require that training be effective. An OSHA inspector will interview employees; if he or she detects a trend in employee responses that indicates training is not being conducted, or is conducted in a way that does not meet the standard, the inspector will most likely scrutinize the company's entire program.

## An eRulemaking Initiative Update

[Excerpted from *Small Business Ombudsman UPDATE, January 2006 Issue*]

Since January 2003, *Regulations.gov* has allowed the public to view a description of every proposed rule currently open for comment, read full texts of these documents, and submit comments to the federal agencies that have created them. On November 28, 2005, the public can now search for and access EPA's docket information previously found on EPA's EDOCKET on the Federal Docket Management System. Features of the new *Regulations.gov*: Access to the entire rulemaking docket; web form to submit comments; simple and sophisticated searches; reports; workflow management (roles and permissions) for agencies; and full-

text and Boolean search for agencies.

The eRulemaking Initiative (Web site: [www.regulations.gov](http://www.regulations.gov)) is one of 25 federal E-Government initiatives. EPA is the lead partner agency of this cross-government effort. For further information Contact: Kristin Tensuan at: (202) 564-2727 or [tensuan.kristin@epa.gov](mailto:tensuan.kristin@epa.gov).


## Construction Q&As

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### Can a builder use a developer's SWPPP?

Yes, a builder can take a copy of the SWPPP and sign off on it stating that they are going to follow the developer's plan. However, the builder must also include plot plans and specific best management practices for each lot on which they are building. Anything else required to fulfill the regulations and permit requirements must be included.

To download the permit on-line, go to: <http://www.deq.louisiana.gov/portal/Default.aspx?tabid=243> and select either LAR100000 or LAR200000

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:: assisting small businesses/small communities to comply with and understand environmental regulations ::

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Department of Environmental Quality  
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Baton Rouge, LA 70821-4313